

**APPENDIX A**  
**RESPONSE OF BAKER CAPITAL LIMITED PARTNERSHIP TO**  
**AUGUST 25, 2020 EPA REQUEST FOR INFORMATION**  
**Magna Metals Superfund Site**

1. State the Company's correct legal name, mailing address, the state and date of incorporation, and agent for service of process in the state of incorporation and in New York. Identify, as that term is defined above, the current president, CEO, and Chairman of the Board of the Company.

*Response:*

The current legal name of the Company is Baker Capital Limited Partnership (hereinafter referred to as "Baker Capital"). Baker Capital is a Connecticut Limited Partnership.

The mailing address of Baker Capital is:

One West Red Oak Lane  
White Plains, New York 10604

The agent for service of process of Baker Capital in the State of Connecticut is:

Corporation Service Company  
100 Pearl Street, 17<sup>th</sup> Floor  
MC-CSC1  
Hartford, Connecticut 06103

The agent for service of process of Baker Capital in the State of New York is:

The Secretary of State of the State of New York

The General Partner of Baker Capital is Baker Companies, Inc.

Baker Capital does not have a president, CEO or Chairman of the Board.

2. State all registered names under which the Company operates or has operated and identify both legal and trade names.

*Response:*

When initially formed in 1979, Baker Capital was known as Foxwood Chase. The name was changed in 1980 to Baker-Pittsburgh. In May 1982, the name was changed to Baker Capital Limited Partnership.

3. Please provide all formation documents for the Company including documents demonstrating initial ownership interests.

*Response:*

Attached as Exhibit AA (BCLP00439-00473) are the Baker Capital formation documents and relevant amendments thereto.

4. Please provide the following:

- a. State how and to what extent your Company was capitalized including the source of any capital, guarantees, loans or other assets;

*Response:*

Baker Capital objects to this request on the grounds that it is vague, overbroad and that the term “capitalized” is undefined. Notwithstanding this objection and without waiver thereof, see Exhibit AA (BCLP00439-00473). Upon information and belief, the source of the initial capital was personal assets.

- b. Identify, as that term is defined above, the initial officers and board of directors;

*Response:*

Baker Capital did not have initial officers or a board of directors.

- c. State the purpose of forming your Company;

*Response:*

Baker Capital was formed for the purposes of constructing, development and rental of apartment units in Milford, Connecticut and for any purposes as may be appropriate.

- d. In responding to this question please include copies of all corporate minutes, press releases, or initial bylaws passed; and

*Response:*

Baker Capital has not identified any press releases or initial bylaws. All minutes of Baker Capital that have been located are attached as Exhibit BB (BCLP00474-00475).

- e. Identify all employees working for your Company for the first five years.

*Response:*

Based upon knowledge and information, Baker Capital did not have any employees in the first five years after it was formed.

5. Please provide all documents demonstrating current ownership of any interest in the Company.

*Response:*

Baker Capital objects to this request for “all documents” on the grounds that it is overbroad and unduly burdensome. Notwithstanding that objection and without waiver thereof, attached as Exhibit A (BCLP00001-00002) is the Certificate of Amendment to Limited Partnership Certificate of Baker Capital Limited

Partnership dated as of June 8, 1993 which sets forth the current ownership interests in Baker Capital. Robert K. Jones is deceased, and, upon information and belief, his interest was transferred upon his death to the Non-GST-Exempt Marital Trust and was subsequently transferred to Anabel Joyce Jones.

6. Please identify the principle business location(s) of your Company.

*Response:*

One West Red Oak Lane  
White Plains, New York 10604

7. Please identify the nature of the business conducted by your Company. If the nature of the business has changed, please state the date and nature of all such changes.

*Response:*

Real estate investment and development

8. Please describe the legal relationship between your Company and the following entities:

- a. Baker Residential Limited Partnership;

*Response:*

Baker Capital objects to this request on the grounds that the term “legal relationship” is undefined, vague and overbroad. Notwithstanding this objection and without waiver thereof, Baker Capital has no corporate relationship to Baker Residential Limited Partnership.

- b. Baker Companies, Inc.;

*Response:*

Baker Capital objects to this request on the grounds that the term “legal relationship” is undefined, vague and overbroad. Notwithstanding this objection and without waiver thereof, Baker Companies, Inc. is the General Partner of Baker Capital.

- c. Baker Properties Limited Partnership.

*Response:*

Baker Capital objects to this request on the grounds that the term “legal relationship” is undefined, vague and overbroad. Notwithstanding this objection and without waiver thereof, Baker Capital has no corporate relationship to Baker-Properties Limited Partnership.

9. Please describe how your Company first became aware that the Property was for sale and please provide all documents related to your Company’s negotiations to purchase the Property including communications with the prior owner.

*Response:*

Based upon information and belief, Baker Capital became aware that the Property was for sale through a solicitation from the seller's broker, Summit Realty Corporation. The offering letter is attached as Exhibit CC1 (BCLP00476-00477). All documents related to Baker Capital's negotiations to purchase the Property, including communications with the prior owner prior to closing are attached as Exhibit CC (BCLP00476-00503).

10. Please provide the following information and all documents related to your Company's purchase of the Property:

a. Identify the person or entity from whom your Company purchased the Property;

*Response:*

ISC Properties, Inc.

b. State the purchase price of the Property and where your Company obtained the capital to purchase the Property;

*Response:*

The purchase price for the Property was \$1,200,000. The property was subject to several mortgages which were assumed by Baker Capital. See Exhibit EE (BCLP00516-00882). Any additional capital necessary to purchase the property, upon information and belief, came from assets of Baker Capital.

c. Provide any purchase agreements including drafts of purchase agreements;

*Response:*

The purchase agreement for the Property is attached as Exhibit DD (BCLP00504-00515). Baker Capital has not located any drafts of the purchase agreement.

d. Provide any title searches, appraisals, surveys, or assessments conducted prior to purchasing the Property;

*Response:*

Surveys conducted on behalf of Baker Capital prior to the purchase of the Property by Baker Capital are attached as Exhibit D1 and D2 (BCLP00010-00011).

e. Provide a detailed description and list of all structures, above and below ground, that existed prior to your Company's purchase of the Property;

*Response:*

Baker Capital references the December 7, 1967 and December 14, 1982 surveys of the Property attached as Exhibit D1 and D2 (BCLP00010-00011) and the response to Request No. 18 below.

- f. Provide all real estate transaction documents and all other documents that refer to, relate to, or reflect the condition of the Property immediately prior to the purchase;

*Response:*

Baker Capital objects to this request on the grounds that the term “real estate transaction documents” is undefined and vague. Baker Capital further objects to this request on the grounds that the term “condition” is undefined and vague. Notwithstanding these objections and without waiver thereof, the closing binder from Baker Capital’s acquisition of the Property is attached as Exhibit EE (BCLP00516-00882). Baker Capital has not located any other documents that refer to, relate to, or reflect the condition of the Property immediately prior to the purchase.

- g. Any lease agreements between the prior owner of the Property and prior operators;

*Response:*

See response to Request No. 24d.

- h. Any searches of public records conducted by your Company prior to purchasing the Property;

*Response:*

See response to Request No. 10d.

- i. Any inquiries or communications that your Company had with government entities regarding the Property; and

*Response:*

On information and belief, Baker Capital did not conduct any inquiries or have any communications with any governmental entities regarding the Property.

- j. Provide a list of any and all experts with whom the Company consulted prior to purchasing the Property.

*Response:*

Baker Capital objects to this request on the grounds that the term “expert” is undefined and vague. Notwithstanding this objection and without waiver thereof, excepting attorneys, Baker Capital has no knowledge or information that it consulted with any experts regarding the Property prior to purchasing the Property.

11. Please provide the following information about the Property:

- a. All deeds for the Property describing Property and other legal descriptions;

*Response:*

The deed whereby Baker Capital acquired the Property from ISC Properties, Inc. dated December 23, 1982 is attached as Exhibit B (BCLP00003-00006). The deed whereby Baker Capital transferred the title to the Mines Press Property to The Chase Manhattan Bank, N.A. dated September 7, 1984 is attached as Exhibit C (BCLP00007-00009).

- b. Location of underground utilities (telephone, electrical, sewer, water main, etc.);

*Response:*

See documents attached as Exhibit D (BCLP00010-00014) and Water Line Plan attached as Exhibit E (BCLP00015).

- c. Surface structures (e.g., buildings, tanks, etc.);

*Response:*

See documents attached as Exhibit D (BCLP00010-00014). Additionally, two 275 gal aboveground fuel oil tanks are located in the 9,600 sf storage building. A temporary 500-1,000 gal aboveground fuel oil tank was located outside the main building in 2003 during UST removal activities (see Exhibits KK33 (BCLP01911-1987) and KK36 (BCLP01990)).

- d. Groundwater wells, including drilling logs;

*Response:*

The Final Draft Remedial Investigation Report for the Former Magna Metals Site (NYSDEC Site No. 360003) submitted to NYSDEC on August 30, 2007 by Tetra Tech EC, Inc. on behalf of ISC Properties, Inc. (the "Final Draft RI") (see Exhibit VV39 (BCLP04602-04860)) references numerous groundwater monitoring wells on the Property and includes drilling logs for some or all of those wells.

- e. Storm water drainage, sanitary sewer, and all waste systems, including septic tank(s), subsurface disposal field(s), and other underground structures;

*Response:*

The storm water drainage systems for the Property are shown on the plans included in Exhibit F (BCLP00016-00022). The plans for the septic system serving the main building are included in Exhibit G (BCLP00023-00026). The septic system serving the 9,600 sf storage building is located on the south side of the building. Leaching pits associated with the building which, upon knowledge and belief, was formerly utilized by Magna Metal Finishing Corporation (the "Magna Metals Building") are present on the Property as documented in the Final Draft RI. Underdrains were installed under the asphalt paving in the main loading dock area during paving work in 2017.

- f. Any and all additions, demolitions or changes of any kind on, under or about the Property (e.g., excavation work); and

*Response:*

Baker Capital objects to this request on the grounds it is vague, overbroad, unduly burdensome and beyond the authority conferred by CERCLA Section 104 (e). Notwithstanding this objection and without waiver thereof, a portion of the on-site water main was repaired by Baker Capital in 2008 with prior notice to the NYSDEC (see Exhibit T (BCLP00436-00438)). Demolition of the Magna Metals Building was completed by NYSDEC in 2013. Underground roof drain piping was installed by Baker Capital in 2015 with prior notice to the NYSDEC (see Exhibit H (BCLP00027-00031)). The parking area was modified and depressed loading docks added to the metal warehouse building between 2002-2005. The plans and as-built survey are included as Exhibit I (BCLP00032-00038). A fire hydrant (#2 on the sketch titled "Cortlandt Water System" in Exhibit E (BCLP00015)) was replaced in 2019.

With respect to the Mines Press Property, a building and related appurtenances were constructed in 1984-85.

- g. All maps and drawings of the Property.

*Response:*

Baker Capital objects to this request on the grounds that it is overbroad and unduly burdensome. Notwithstanding this objection and without waiver thereof, a survey of a portion of the Property dated December 7, 1967, a survey of the Property dated December 14, 1982, a Topographical Survey of the Property dated September 21, 1983, and surveys of the property located at 510-534 Furnace Dock Road (the "Furnace Dock Road Property") dated May 20, 2010 and October 6, 2013 are attached in Exhibit D (BCLP00010-00014).

- 12. At the time your Company acquired the Property, did you know or have reason to know that any hazardous substances, hazardous wastes, and industrial wastes were disposed of on or at the Property prior to acquisition? Describe all investigations of the Property your Company undertook prior to acquiring the Property.

*Response:*

Based on knowledge and information, at the time Baker Capital acquired the Property, Baker Capital did not know of any hazardous substances, hazardous wastes or industrial wastes disposed of on or at the Property.

- 13. Please state when your Company first became aware of the presence of hazardous substances, hazardous wastes, and industrial wastes at the Site. Please provide the following information:

*Response:*

Baker Capital objects to this request on the grounds that it is overbroad and vague. Notwithstanding this objection and without waiver thereof, Baker Capital was aware at least as early as December 23, 1982 that there were several drums which may have contained “toxic material” stored in the small building on the Property. Upon information and belief, ISC Properties, Inc. removed those drums from the Property shortly after closing on the purchase of the Property by Baker Capital (see Exhibit LL (BCLP01991)).

- a. Whether your Company was required to take any actions related to such materials at that time;

*Response:*

Baker Capital was not required to take any actions with regard to the several drums which may have contained “toxic material” stored in the small building on the Property.

- b. Whether your Company was ever approached by any government entity to investigate or take action to mitigate such materials at the Property;

*Response:*

Baker Capital was never approached by any government entity to investigate or take action to mitigate the several drums which may have contained “toxic material” stored in the small building on the Property.

- c. Whether your Company was informed of any land use or other restrictions for the Property related to such materials; and

*Response:*

Baker Capital was not informed of any land use or other restrictions for the Property related to the several drums which may have contained “toxic material” stored in the small building on the Property.

- d. What, if any, measures your Company undertook to protect human health or welfare or the environment from such material including:

- i. Removal of such materials from the Site including from any underground structures or leach pits;

*Response:*

Baker Capital took no action with regard to the several drums which may have contained “toxic material” stored in the small building on the Property because ISC Properties, Inc. was obligated to remove the materials from the Property.

- ii. Efforts to contain such materials including those within any underground structures;

*Response:*

Baker Capital took no action with regard to the several drums which may have contained “toxic material” stored in the small building on the Property because ISC Properties, Inc. was obligated to remove the materials from the Property.

- iii. Efforts to limit the migration of such materials from the Site; and

*Response:*

Baker Capital took no action with regard to the several drums which may have contained “toxic material” stored in the small building on the Property because ISC Properties, Inc. was obligated to remove the materials from the Property.

- iv. Efforts to limit access to any and all parts of the Site.

*Response:*

Baker Capital objects to this request on the grounds it is overbroad and vague.

- 14. Please describe in detail the manufacturing processes and any other operations conducted at the Property by your Company, or any tenant or other entity, during your Company’s ownership of all or part of the Property and state the years in which such operations were conducted. If those operations were not constant, describe the nature of all changes in operations and state the year of each change.

*Response:*

Baker Capital objects to this request on the grounds that the term “in detail” is undefined, vague and overbroad. Notwithstanding this objection and without waiver thereof, Baker Capital has not conducted any manufacturing processes or other operations at the Property except in its capacity as the owner of the Property and then as a lessor. For tenant operations, see Exhibit S (BCLP00435).

- 15. List all hazardous substances, hazardous wastes, and industrial wastes that were used, stored, generated, handled or received at the Property during your Company’s ownership and/or operation of all or part of the Property. Your response to this question should include, but not be limited to, use, storage, generation or handling of heavy metals such as chromium and copper and volatile organic compounds such as trichloroethylene. Be as specific as possible in identifying each chemical, and provide, among other things, the chemical name, brand name, and chemical content. Please also provide answers to these questions for any operators and/or tenants of the Property during your Company’s ownership.

*Response:*

Baker Capital objects to this request as overbroad and vague. Notwithstanding this objection and without waiver thereof, Baker Capital had no operations at the Property other than as a lessor, and has no knowledge or information regarding the use, storage, generation or handling of hazardous substances, hazardous wastes or industrial wastes by its tenants’ operations except that Baker Capital is aware of wastes disposed of as identified in response

to Request No. 16 below. A Soil Vapor Investigation Report (Revised) by AKRF dated July 2007 includes an inventory of materials used by the tenants at the time of such investigation (see Exhibit GG (BCLP01072-01607)).

- a. State when such materials identified in your response above, were used, stored, generated, handled or received and state the volume of each material used, stored, generated or handled on an annual basis.

*Response:*

See response above.

- b. Describe the activity or activities in which such materials identified in your response above were used, stored, handled, or received.

*Response:*

See response above.

- c. Describe the activity or activities in which such materials identified in your response above were generated.

*Response:*

See response above.

- d. Show the location of such materials identified in your response above through a map or diagram of the Site.

*Response:*

See response above.

16. What did your Company do with the hazardous substances, hazardous wastes, and industrial wastes that it, or any tenant or other entity, on the Property, used, stored, generated or otherwise handled after they were no longer necessary? Describe in detail how and where the hazardous substances, hazardous wastes, and industrial wastes identified in your response above were disposed. For each disposal location and method, state the nature and quantity of the material disposed of on an annual basis.

*Response:*

Wastes generated by Baker Capital were limited to wastes generated during tenant fit-out and construction activities and general facility maintenance. Wastes generated by construction contractors are containerized and disposed off-site by the contractor. Based on information and belief, Baker Capital has disposed of off-site the following wastes generated at the Property:

- September 2002 – Asbestos-containing material (ACM) from ACM abatement

- November 2005 – Storm water and debris from the cleaning of the storm water system
- October 2008 – Water, PPE, and mud associated with water main repairs.
- August 2010 – ACM from a boiler removal program and mercury switches
- October 2010 – Miscellaneous maintenance materials (paints, etc.)
- January 2011 – Fluorescent lamps from lighting upgrade program conducted as a tenant improvement
- June 2016 – Soils from roof drain installation program.

Information on the wastes and manifests, which report the disposal location, and quantity are set forth in Exhibit HH (BCLP01608-01705).

The tanks of the on-site septic system for the main building are pumped on a quarterly basis by Wind River Environmental, LLC.

Waste materials from UST removals were disposed as outlined in the UST removal documentation included in the response to Request No. 18.

The Magna Metals Building was demolished by Aztech Technologies, Inc. under contract with the NYSDEC in October 2013. Wastes from this demolition work were disposed of off-site by the NYSDEC.

Baker Capital has no knowledge of wastes generated or disposed by the tenants or as part of remedial investigation activities.

17. If any hazardous substances, hazardous wastes, and industrial wastes ever were taken off the Site for disposal or treatment:

- a. Identify all transporters and disposal companies or facilities used;

*Response:*

See response to Request No. 16.

- b. State the period during which each such transporter and disposal location was used;

*Response:*

See response to Request No. 16.

- c. State the amount and type of material removed;

*Response:*

See response to Request No. 16.

- d. State the location where such materials were ultimately disposed; and

*Response:*

See response to Request No. 16.

- e. Identify all individuals at the Property that oversaw the transporters and disposal companies.

*Response:*

See response to Request No. 21.

- 18. For all underground storage tanks, leach pits, settling tanks, septic tanks, or other underground collection systems (including piping) present at the Property during your Company's ownership of the Property, please provide the following:

- a. Depict on a map the location of all such features;

*Response:*

Baker Capital objects to this request on the grounds that it is vague and overbroad. Notwithstanding this objection and without waiver thereof, see Exhibits D (BCLP00010-00014), II (BCLP01076-01077), JJ (BCLP01708-1787) and KK (BCLP01788-01990).

- b. State when they were constructed, and the material used to construct them;

*Response:*

Baker Capital objects to this request on the grounds that it is vague and overbroad. Notwithstanding this objection and without waiver thereof, see Exhibits II (BCLP01076-01077), JJ (BCLP01708-1787) and KK (BCLP01788-01990).

- c. State what materials went into each feature;

*Response:*

Baker Capital objects to this request on the grounds that it is vague and overbroad. Notwithstanding this objection and without waiver thereof, see Exhibits II (BCLP01076-01077), JJ (BCLP01708-1787) and KK (BCLP01788-01990).

- d. State the amount of materials accepted by each feature on a weekly, monthly, and yearly basis;

*Response:*

Baker Capital objects to this request on the grounds that it is vague and overbroad. Notwithstanding this objection and without waiver thereof, see Exhibits II (BCLP01076-01077), JJ (BCLP01708-1787) and KK (BCLP01788-01990).

- e. State how materials that were deposited in them were eventually disposed of;

*Response:*

Baker Capital objects to this request on the grounds that it is vague and overbroad. Notwithstanding this objection and without waiver thereof, see Exhibits II (BCLP01076-01077), JJ (BCLP01708-1787) and KK (BCLP01788-01990).

- f. State whether they were inspected by your Company and how often they were inspected;

*Response:*

Baker Capital objects to this request on the grounds that it is vague and overbroad. Notwithstanding this objection and without waiver thereof, see Exhibits II (BCLP01076-01077), JJ (BCLP01708-1787) and KK (BCLP01788-01990).

- g. State the specific production or manufacturing process that utilized each feature;

*Response:*

Baker Capital objects to this request on the grounds that it is vague and overbroad. Notwithstanding this objection and without waiver thereof, see Exhibits II (BCLP01076-01077), JJ (BCLP01708-1787) and KK (BCLP01788-01990).

- h. State the condition each was in when your Company purchased the Property; and

*Response:*

Baker Capital objects to this request on the grounds that it is vague and overbroad. Notwithstanding this objection and without waiver thereof, see Exhibits II (BCLP01076-01077), JJ (BCLP01708-1787) and KK (BCLP01788-01990).

- i. The amount of material in each feature when your Company purchased the Property.

*Response:*

Baker Capital objects to this request on the grounds that it is vague and overbroad. Notwithstanding this objection and without waiver thereof, see Exhibits II (BCLP01076-01077), JJ (BCLP01708-1787) and KK (BCLP01788-01990).

19. Was there ever a spill, leak, release or discharge of hazardous substances into any subsurface disposal system or floor drain inside or under any building at the Property? If the answer to the preceding question is anything but an unqualified "no", identify:

*Response:*

Baker Capital has no knowledge or information about any spill, leak, release or discharge of hazardous substances into any subsurface disposal system or floor drain inside or under any building at the Property.

- a. Where the disposal system or floor drains were located;

*Response:*

See response above.

- b. When the disposal system or floor drains were installed;

*Response:*

See response above.

- c. Whether the disposal system or floor drains were connected to pipes;

*Response:*

See response above.

- d. Where such pipes were located and emptied;

*Response:*

See response above.

- e. When such pipes were installed;

*Response:*

See response above.

- f. How and when such pipes were replaced, or repaired; and

*Response:*

See response above.

- g. Whether such pipes ever leaked or in any way released hazardous substances, hazardous wastes, and industrial wastes into the environment.

*Response:*

See response above.

20. During your Company's ownership and/or operation of all or part of the Property, please state whether drums or containers of hazardous substances, hazardous wastes, and industrial wastes were stored on the Property. Unless the answer to this question is an unequivocal "no," please provide the following information:

*Response:*

Baker Capital is aware of drums or containers which may have contained hazardous substances, hazardous wastes, and industrial wastes being present on the Property in the following instances:

- 1) Several drums which may have contained “toxic waste” stored in the small building on the Property at closing of the sale of the Property (see response to Request No. 13)
- 2) Drums containing what is believed to be investigation-derived wastes were present in March 2002 (see Exhibit MM (BCLP01992-01995))
- 3) Drums containing what is believed to be investigation-derived wastes were present in July 2003 (see Exhibit NN (BCLP01996-02005))
- 4) A drum was observed in the rear of the building in April 2008 (see Exhibit OO (BCLP02006-02008))
- 5) Drums containing what is believed to be investigation-derived wastes were present in February 2016 (see Exhibit PP (BCLP02009))

Drums or containers which may have contained hazardous substances, hazardous wastes, and industrial wastes may have also been present on the Property in conjunction with the disposal activities identified in response to Request No. 16.

Baker Capital is not aware of drums or containers which may have contained hazardous substances, hazardous wastes, and industrial wastes which may have been present on the Property due to tenant activities or as part of remedial investigation activities.

- a. Where specifically on the Property drums or containers were stored with references to a map of the Property;

*Response:*

The drums listed above were located as follows:

- 1) Baker Capital is only aware that the referenced drums were in “the small building” on the Property.
- 2) Not known
- 3) Not known
- 4) The referenced drum was located in the rear of the main building.
- 5) Not known

- b. The name of the entity to whom the drums or containers belonged;

*Response:*

The drums listed above belonged to:

- 1) Upon information and belief, ISC Properties, Inc.
- 2) Upon information and belief, Foster Wheeler/ISC Properties, Inc.

3) Upon information and belief, Tetra Tech/ISC Properties, Inc.

4) Not known

5) Upon information and belief, HDR/NYSDEC

- c. The materials your Company stored within drums or containers;

*Response:*

Baker Capital did not store materials in drums and is unaware of the specific contents of the above-listed drums.

- d. The procedures established by your Company for receiving, handling, storing, and disposing of drums or containers at the Property;

*Response:*

Baker Capital had no operations on the Property and did not receive, handle, store or dispose of drums or containers at the Property. Therefore, it did not establish any procedures to receive, handle, store or dispose of drums or containers at the Property.

- e. The origin of any drums or containers of such materials and the price paid for the drums or containers;

*Response:*

Baker Capital has no knowledge or information of the origin of any drums or containers of such materials and the price paid for the drums or containers.

- f. The production processes that such materials housed in drums or containers were used for;

*Response:*

Baker Capital has no knowledge or information responsive to this request.

- g. Whether, when, and to what extent any of the drums or containers ever leaked;

*Response:*

Baker Capital has no knowledge or information responsive to this request.

- h. Whether any drums or containers, empty or full, were ever disposed of at the Property including any that may have been disposed of underground or underwater;

*Response:*

Baker Capital has no knowledge or information that any drums or containers, empty or full, were ever disposed of at the Property.

- i. Whether the contents of any drums or containers were ever disposed of at the Property; and

*Response:*

Baker Capital has no knowledge or information that any drums or containers, empty or full, were ever disposed of at the Property.

- j. What regulations the drums or containers or their contents were applicable to such materials.

*Response:*

Baker Capital objects to this request on the grounds that Baker Capital does not understand the request.

- 21. Please identify all personnel employed by your Company involved in the following activities during your Company's ownership and/or operation of all or part of the Property by your Company:

- a. Compliance with environmental regulations;

*Response:*

Baker Capital did not employ any personnel who were involved in compliance with environmental regulations at the Property. Baker-Properties Limited Partnership employed Doug Grimmer and Don Duthaler to manage compliance with environmental regulations by Baker Capital at the Property.

- b. Handling or disposal of hazardous substances, hazardous wastes, or industrial wastes; and

*Response:*

Baker Capital did not employ any personnel who were involved in handling or disposal of hazardous substances, hazardous wastes or industrial wastes generated at the Property. Baker-Properties Limited Partnership employed Doug Grimmer and Don Duthaler to oversee any disposal of hazardous substances, hazardous wastes or industrial wastes generated by Baker Capital at the Property.

- c. Plant or property management.

*Response:*

Baker Capital did not employ any personnel who were involved in plant or property management. Baker-Properties Limited Partnership employed Doug Grimmer and Don Duthaler to oversee property management.

22. For the following individuals, please state their role at your Company; how long they were (or have been) employed by your Company; and their involvement at the Property:

a. Mike Baker;

*Response:*

Based on information and belief, Mike Baker was not employed by Baker Capital, but was employed by Baker-Properties Limited Partnership on a part time basis starting in June 1982 doing market research. He was employed on a full-time basis by Baker-Properties Limited Partnership and Baker Companies, Inc. between approximately September 16, 1991 and approximately April 12, 2013. His roles included Asset Manager and Vice President/General Counsel.

b. Jean Paul Pfister; and

*Response:*

Based on information and belief, Jean Paul Pfister was not employed by Baker Capital but was employed by Baker-Properties Limited Partnership between approximately 1976 and approximately November 21, 1984. His roles included Commercial Marketing Director, Manager-Properties, and Manager-Development.

c. Doug Grimmer.

*Response:*

Based on information and belief, Doug Grimmer was not employed by Baker Capital but was employed by Baker-Properties Limited Partnership between February 2, 1987 and March 31, 2006. His role was as Property Manager and Senior Property Manager.

23. Please provide the following information and all documents related to the subdivision of the Property in September 1984 including:

a. All sub-division applications and communications exchanged with government entities;

*Response:*

Planning board applications, correspondence and the resolution associated with the subdivision of the Property are attached as Exhibit QQ (BCLP02010-02015). The deed to the Town of Cortlandt, New York associated with a right-of-way adjustment is attached as Exhibit RR (BCLP02016-02021). The easement granting a drainage easement to the Town of Cortlandt, New York is attached as Exhibit SS (BCLP02022-02024).

b. Purchase agreements, including drafts, related to the sale of the Mines Press Property;

*Response:*

The Contract of Sale dated January 23, 1984 between Baker Capital and Chase Manhattan Bank, N.A. is attached as Exhibit TT (BCLP02025-02030). Baker Capital has not located any drafts of the purchase agreement.

- c. Listings for the sale of the Mines Press Property;

*Response:*

Correspondence with the real estate broker Helmsley-Spear, Inc. is attached as Exhibit UU (BCLP02031-02035).

- d. Whether potential purchasers were informed of the presence of hazardous substances or industrial wastes at any part of the Property; and

*Response:*

Baker Capital has no knowledge or information responsive to this request.

- e. Whether the purchaser or potential purchasers conducted any investigations of the Mines Press Property and/or Property prior to purchasing the Mines Press Property.

*Response:*

Baker Capital has no knowledge or information responsive to this request.

- 24. Please identify all tenants of the Property during your Company's ownership of all or part of the Property. For each tenant please provide the following:

- a. The dates of the lessee's occupation;

*Response:*

See Exhibit S (BCLP00435).

- b. Any and all agreements entered into between your Company and the other party;

*Response:*

The leases and amendments with the above tenants, if available, are included in Exhibit J (BCLP00039-00349).

- c. The length of any agreement and whether it was terminated early and for what reason;

*Response:*

See Exhibit S (BCLP00435).

- d. Whether your Company assumed any leases upon purchase of the Property;

*Response:*

Upon Baker Capital's obtaining title to the Property, the Property was subject to a lease agreement dated February 1, 1973 between Geringer Realty Corp. (as Landlord) and Lightron Corporation (as Tenant). As of December 23, 1982, Baker-Properties Limited Partnership assumed the rights and obligations of Lightron Corporation as Tenant under the lease agreement. See Exhibit K (BCLP00350-00357).

- e. Whether any tenant required that alterations be made to facilities on the Property;

*Response:*

Tenant alterations are included in the associated leases and amendments which are included in Exhibit J (BCLP00039-00349).

- f. All communications between your Company and the tenant; and

*Response:*

The Company objects to this request on the grounds it is overbroad, unduly burdensome and beyond the authority conferred by Section 104(e) of CERCLA. Notwithstanding this objection, and without waive thereof, see response to request 24g. below.

- g. Whether the tenant was made aware of the existence of hazardous substances, hazardous wastes, and industrial wastes at the Property prior to the tenancy.

*Response:*

Correspondence with the current tenants regarding the environmental conditions at the property are included in Exhibit L (BCLP00358-00384). The 4<sup>th</sup> Addendum to Motion Laboratories, Inc.'s lease and the 11<sup>th</sup> Addendum to Polymedco, Inc.'s lease contain summaries of the site status.

- 25. Please provide all documents related to investigations conducted at the Property during your Company's ownership, including your Company's 1992 "Investigative Sampling Report." Furthermore, please provide the following information related to these investigations:

*Response:*

Documents associated with investigations conducted at the Property during Baker Capital's ownership are attached as Exhibit VV (BCLP02036-04860).

- a. All communications between your Company and any government entity related to investigations;

*Response:*

See documents attached as Exhibit WW (BCLP04861-05183).

- b. All agreement and communications between your Company and all entities retained to perform the investigations;

*Response:*

See documents attached as Exhibit XX (BCLP05184-5346).

- c. The identity of the individual at your Company who oversaw each investigation;

*Response:*

Michael Baker who was employed by Baker-Properties Limited Partnership oversaw the investigation conducted by IT Corporation. Doug Grimmer, who was employed by Baker-Properties Limited Partnership, and Donald Duthaler, Jr. who was employed by Baker-Properties Limited Partnership and is employed by Baker Companies, Inc., coordinated investigations conducted by others at the Property.

- d. Actions taken by your Company resulting from the investigations; and

*Response:*

The Magna Metals Building was boarded up to secure the building. The leach pits associated with the Magna Metals Building were fenced off by Baker Capital. Baker Capital was approached by the NYSDEC in 2011 to install a sub-slab depressurization system (SSDS) under the Polymedco office space in 2011 in the event that ISC Properties, Inc. would not install such a system. When ISC Properties, Inc. did not install such a system, Baker Capital installed the SSDS (see Exhibit FF (BCLP00883-01071)).

- e. Whether the results of any investigations were shared with any occupants or tenants of the Property.

*Response:*

Correspondence with the current tenants regarding the environmental conditions at the property are included in Exhibit L (BCLP00358-00384). The 4<sup>th</sup> Addendum to Motion Laboratories, Inc.'s lease and the 11<sup>th</sup> Addendum to Polymedco, Inc.'s lease contain summaries of the site status.

26. Please identify all federal, state, or other governmental entities that either your Company or any other person or entity had contact with regarding environmental conditions at the Site. Please identify all such persons or entities. Please provide all related documents including permits, notices or citations of violations, variances, inspections, waivers, and communications between the Company, such person or entity, and/or any governmental entities related to the Site.

*Response:*

Baker Capital objects to this request on the grounds that it is overbroad and beyond the authority conferred by CERCLA Section 104(e). Notwithstanding this objection and without waiver thereof, see response to Request No. 25 above.

27. Identify all prior owners of the Property. For each prior owner:

a. State the dates of ownership;

*Response:*

See Exhibit S (BCLP00435).

b. State whether they occupied the Property and/or had tenants; and

*Response:*

Geringer Realty Corp. leased to Instrument Systems Corporation and Gercorp, Inc. pursuant to a lease dated July 26, 1968 as referenced in the Lease Agreement between Geringer Realty Corp. and Lightron Corporation dated February 1, 1973 (See Exhibit N (BCLP00402-00418)).

Geringer Realty Corp. leased to Geringer & Sons Manufacturing Corp. as referenced in the Agreement dated January 15, 1964 between Henrietta B. Geringer and Geringer Realty Corp. (See Exhibit M (BCLP00394-00401)).

Geringer Realty Corp. (and later Geringer Realty Associates and ISC Properties, Inc. as successors in interest to Geringer Realty Corp.) leased the Property to Lightron Corporation pursuant to the Lease Agreement dated February 1, 1973 (See Exhibit N (BCLP00402-00418)).

Lightron Corporation subleased the Property to Lightron Residential Lighting, Inc. pursuant to a Standard Industrial Lease dated April 28, 1981 (See Exhibit O (BCLP00419-00425)). This sublease was also subject to the Memorandum and Agreement Concerning Sublease among ISC Properties, Inc., Lightron Corporation, and Lightron Residential Lighting, Inc. dated April 28, 1981. (See Exhibit P (BCLP00426-00428)) This sublease was terminated pursuant to the Termination Agreement dated December 22, 1982 entered into by Lightron Corporation and Lightron Residential Lighting, Inc. (See Exhibit Q (BCLP00429-00431)). The Memorandum and Agreement Concerning Sublease was terminated pursuant to the Termination Agreement dated December 22, 1982 entered into by ISC Properties, Inc., Lightron Corporation, and Lightron Residential Lighting, Inc. (See Exhibit R (BCLP00432-00434)).

c. Describe all instances in which hazardous substances, hazardous wastes, and industrial wastes were disposed of or released at or from the Property during the period that they owned the Property.

*Response:*

Baker Capital has no knowledge or information of any instances in which hazardous substances, hazardous wastes, or industrial wastes were disposed of or released at or from the Property during the period that any prior owners of the Property owned the Property.

28. Identify all prior operators at the Property, including tenants or other occupants. For each such operator, further identify:

- a. The dates of operation and the location of operations;

*Response:*

See Exhibit S (BCLP00435).

- b. The nature of the operations; and

*Response:*

See Exhibit S (BCLP00435) and Exhibit J (BCLP00039-00349).

- c. Describe all instances in which hazardous substances, hazardous wastes, and industrial wastes were disposed of or released at or from the Property during the period that they operated at the Property.

*Response:*

Baker Capital objects to this request on the grounds it is overbroad. Notwithstanding this objection and without waiver thereof, Baker Capital is aware that tenants on the Property generated various wastes, discharged to on-site septic systems and emitted to the air. Baker Capital has no specific knowledge or information about such wastes, discharges or emissions.

29. Please provide signed federal tax returns for your Company for the last five years including all schedules thereto.

*Response:*

Baker Capital objects to this request on the grounds it is beyond the authority conferred by Section 104(e) of CERCLA.

30. If your Company has ever filed for bankruptcy, state the date(s) and provide all bankruptcy filings.

*Response:*

Baker Capital has never filed for bankruptcy.

31. Describe all insurance policies and indemnification agreements held or entered into by your Company that arguably could indemnify your Company against any liability which it may be found to have under CERCLA for releases and threatened releases of hazardous

substances at and from the Site. Describe all claims that were submitted to insurance carriers concerning the Site and any recoveries received from such claims. In response to this request, provide all insurance policies and agreements which currently are in effect as well as those that were in effect during any portion of the time that your Company owned the Property.

*Response:*

Baker Capital is in the process of researching potential insurance policies and indemnification agreements that could potentially indemnify Baker Capital for any possible liability under CERCLA for releases and threatened releases of hazardous substances at and from the Site. If such policies or agreements are identified, Baker Capital will supplement its response to this request.

32. Please indicate if your Company or any person associated with the Company has commenced, or intends to commence, litigation in relation to the Site or whether any person has initiated or intends to initiate such litigation against your Company.

*Response:*

Baker Capital has not commenced any litigation in relation to the Site. Baker Capital objects to providing any information about its “intention” with regard to litigation matters. Baker Capital is not aware of any person who has initiated or intends to initiate litigation against Baker Capital regarding the Site.

33. Please provide any additional information or documents which may help EPA identify other persons who conducted operations at the Site; owned the Site; or participated in the disposal of hazardous substances, hazardous wastes, and industrial wastes at the Site. Please identify the source(s) of such information.

*Response:*

After the acquisition of the Property, Baker Capital has been informed that manufacturing operations on the Property prior to Baker Capital’s purchase of the Property resulted in the presence of hazardous substances on the Furnace Dock Road Property and that such hazardous substances were disposed of in on-site leach pits. For additional information, see Exhibit VV (BCLP02036-04860).

34. Please provide all photographs of the Property.

*Response:*

Baker Capital objects to this request on the grounds that it is overbroad, unduly burdensome and beyond the authority conferred by CERCLA Section 104(e). Notwithstanding this objection and without waiver thereof, Baker Capital has many pictures taken on the Property. Baker Capital is willing to provide any pictures that it may have that are properly requested by EPA within EPA’s authority conferred by Section 104(e).

35. Identify any other person having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge.

*Response:*

Baker Capital objects to this request on the grounds that it is vague, overbroad, unduly burdensome and beyond the authority conferred by Section 104(e) of CERCLA. Notwithstanding this objection, and without waiver therefor, Baker Capital identifies the following individuals who may have relevant information regarding the general subject matter of the requests.

Donald Duthaler, Jr.: Mr. Duthaler has been responsible for management of the property located at the Furnace Dock Road Property from 2006 to the present. Mr. Duthaler can be reached through counsel for Baker Capital.

Philip King: Mr. King has been involved with leasing and property management at the Furnace Dock Road Property from 1993 to present. Mr. King can be reached through counsel for Baker Capital.

Marcus Baker: Mr. Baker was involved with leasing and property management at the Furnace Dock Road Property from approximately 1986 to 2019. Mr. Baker can be reached through counsel for Baker Capital.

Michael Baker: Mr. Baker was involved as Asset Manager and Vice President/General Counsel from September 16, 1991 to June 28, 2013. Mr. Baker can be reached through counsel for Baker Capital.

Doug Grimmer: Mr. Grimmer was responsible for the management of the Furnace Dock Road Property from 1987 to 2006. Mr. Grimmer's whereabouts are not known.

Jean Paul Pfister: Mr. Pfister was involved with the acquisition, development and leasing of the Property between 1982 and 1984. Mr. Pfister's whereabouts are not known.

36. Identify each person consulted in responding to these questions and which questions they responded to.

*Response:*

Donald Duthaler, Jr. supplied information responsive to Requests 1 through 35 and 37.

37. Supply any additional information or documents in your possession or available to you that may be relevant to the questions which are the subject of this inquiry.

*Response:*

Baker Capital has provided all documents that are relevant to the Information Request except where objections are noted.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION  
Magna Metals Superfund Site

State of New York

County of Westchester

I certify under penalty of law that I have personally examined and am familiar with the information and all documents submitted in response to EPA's Request for Information, and based on my personal inquiry or my inquiry of those individuals immediately responsible for obtaining the information I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the Company's response thereto should become known or available to the Company.

Baker Capital Limited Partnership  
COMPANY (print or type)

Donald E. Duthaler, Jr.  
NAME (print or type)

Authorized Agent for Baker Capital Limited Partnership  
TITLE (print or type)

  
SIGNATURE

Sworn to before me this 22<sup>nd</sup> day of October, 2020

  
Notary Public

1  
DYANNA M. LAPETER  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01LA6080182  
COMMISSIONED IN WESTCHESTER COUNTY  
COMMISSION EXPIRES SEPT. 9, 2022